

5-26-08
MANDATE

SDNY/NYNY
03-CR-449
Wood

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 06-3011-cr (L) 06-4531-cr (con)

Motion for: To Withdraw Notice of Appeal

Set forth below precise, complete statement of relief sought:

Motion to Withdraw Notice of Appeal because Defendant wishes to withdraw his

Appeal after being advised that no viable avenues for appeal exist.

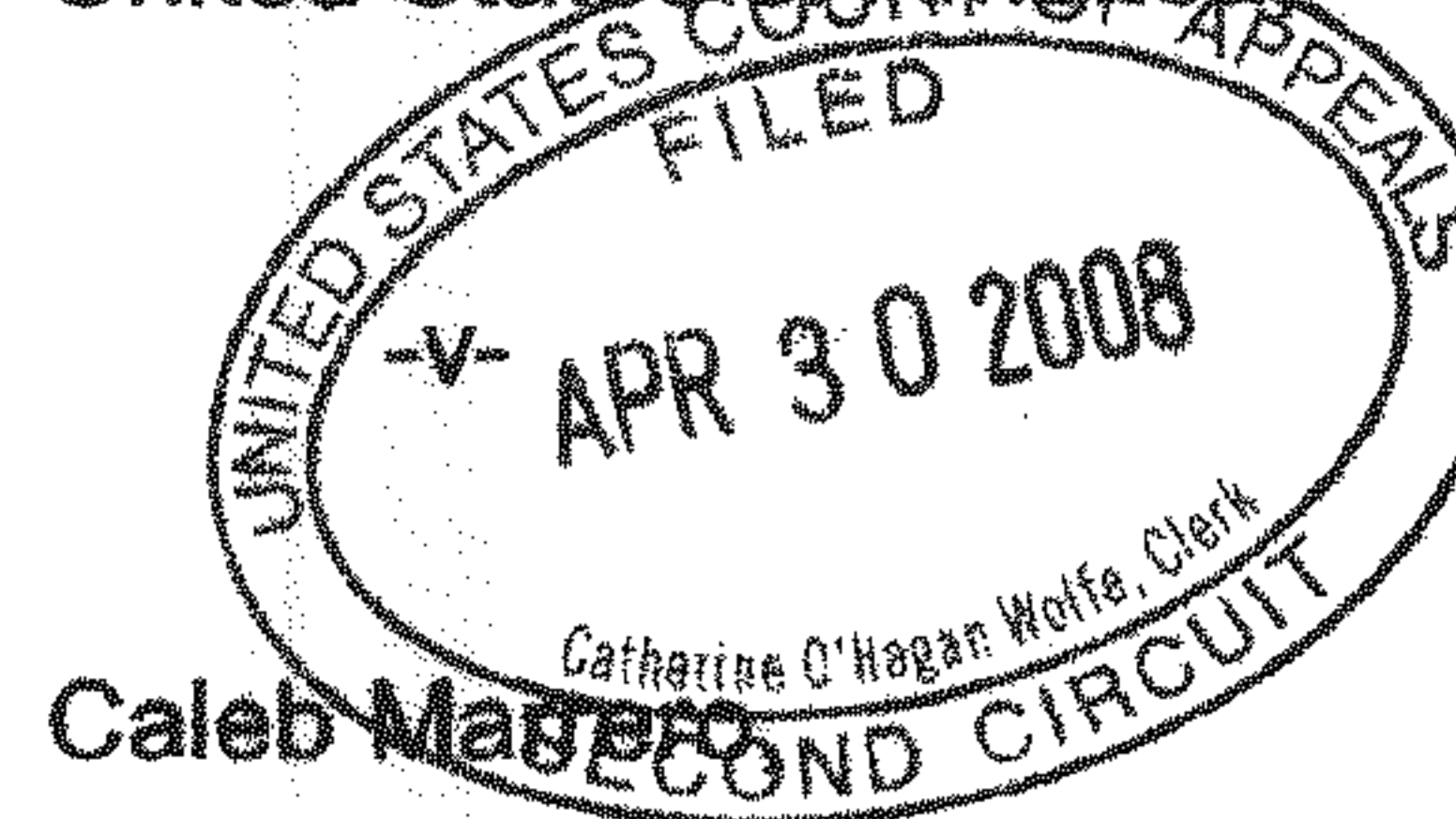
MOVING PARTY: Caleb Marrero

☐ Plaintiff ☒ Defendant
☐ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Daniel A. Hochheiser, Esq.

[name of attorney, with firm, address, phone number and e-mail]
Hochheiser, Hochheiser & Inwood, LLP
270 Madison Avenue, Suite 1203
New York, NY 10016
(212) 689-4343
dah@hochheiser.com

United States of America



Caleb Marrero

CLERK'S OFFICE
U.S. COURT OF APPEALS

2008 APR 30 PM 3:21

RECEIVED

OPPOSING PARTY: United States Attorney's Office - SDNY

OPPOSING ATTORNEY [Name]: Jason Helperin, Esq.

[name of attorney, with firm, address, phone number and e-mail]
United States Attorney's Office
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Court-Judge/Agency appealed from: United States District Judge Kimba M. Wood

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☐ Yes ☒ No
B. been obtained? ☐ Yes ☒ No

Is oral argument requested? ☐ Yes ☒ No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No
If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought
in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

Date: April 30, 2008

Has service been effected? ☒ Yes ☐ No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED** DENIED.

Appellee - Cross Appellant's motion to
withdraw the cross-appeal is
granted with prejudice.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court Court

By: Joy Fallek
Joy Fallek, Administrative Attorney

Form T-1080 (Revised 10/31/02).

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by: Ralph [Signature]
DEPUTY CLERK

ISSUED AS MANDATE: 5-28-08

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 06-3011-cr (L) 06-4531-cr (con)Motion for: To Withdraw Notice of Appeal

Set forth below precise, complete statement of relief sought:

Motion to Withdraw Notice of Appeal because Defendant wishes to withdraw hisAppeal after being advised that no viable avenues for appeal exist.MOVING PARTY: Caleb Marrero

☐ Plaintiff ☒ Defendant
☐ Appellant/Petitioner ☐ Appellee/Respondent

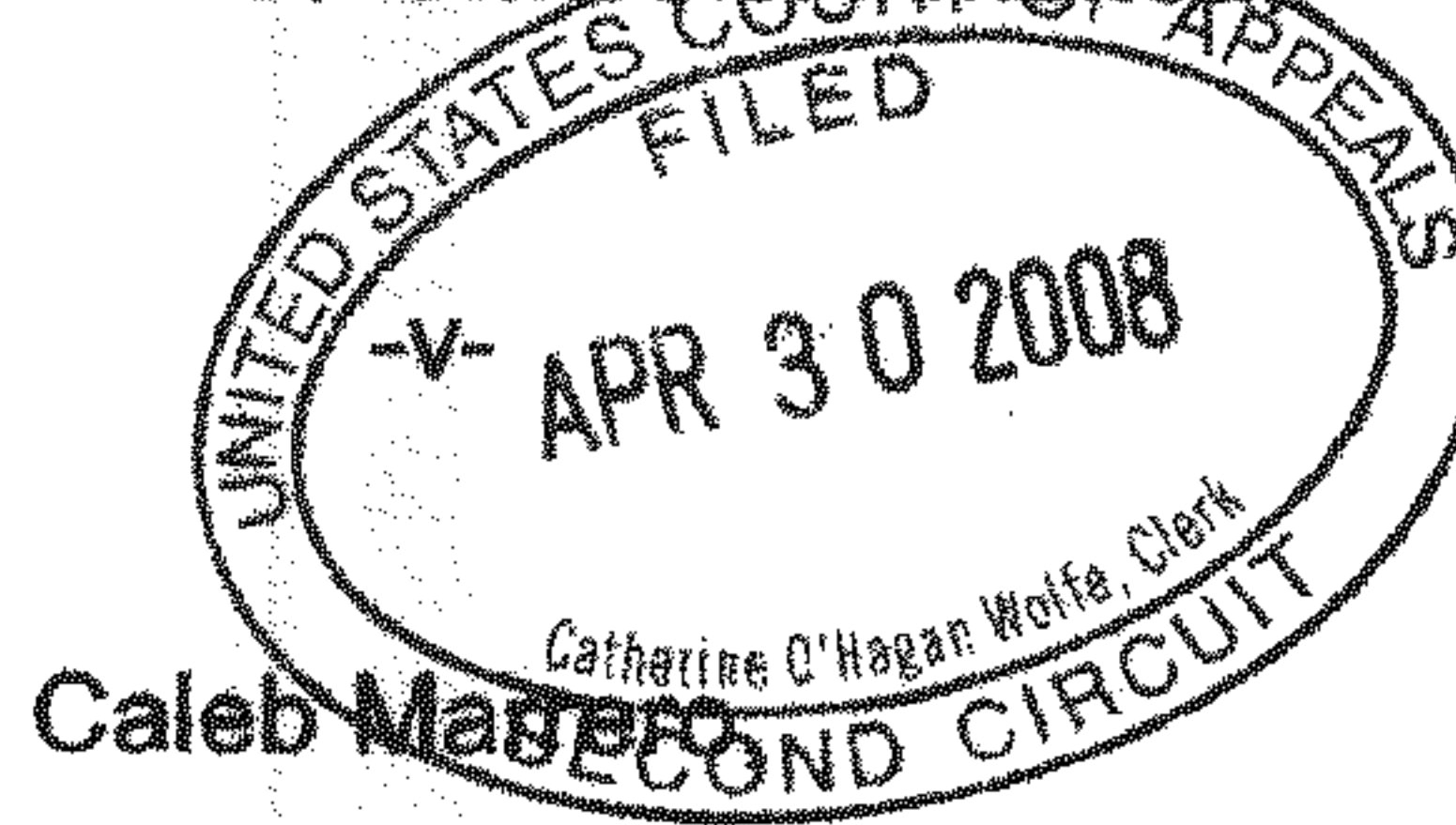
MOVING ATTORNEY: Daniel A. Hochheiser, Esq.

[name of attorney, with firm, address, phone number and e-mail]

Hochheiser, Hochheiser & Inwood, LLP270 Madison Avenue, Suite 1203New York, NY 10016(212) 689-4343dah@hochheiser.com

Caption [use short title]

United States of America



Caleb Marrero

CLERK'S OFFICE
U.S. COURT OF APPEALS

2008 APR 30 PM 3:21

RECEIVED

OPPOSING PARTY: United States Attorney's Office - SDNYOPPOSING ATTORNEY [Name]: Jason Halperin, Esq.

[name of attorney, with firm, address, phone number and e-mail]

United States Attorney's OfficeSouthern District of New York300 Quarropas StreetWhite Plains, NY 10601Court/Judge/Agency appealed from: United States District Judge Kimba M. Wood

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☐ Yes ☒ No
 B. been obtained? ☐ Yes ☒ No

Is oral argument requested? ☐ Yes ☒ No
 (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No
 If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought
 in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

Date: April 30, 2008

Has service been effected? ☒ Yes ☐ No
 [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED** DENIED.

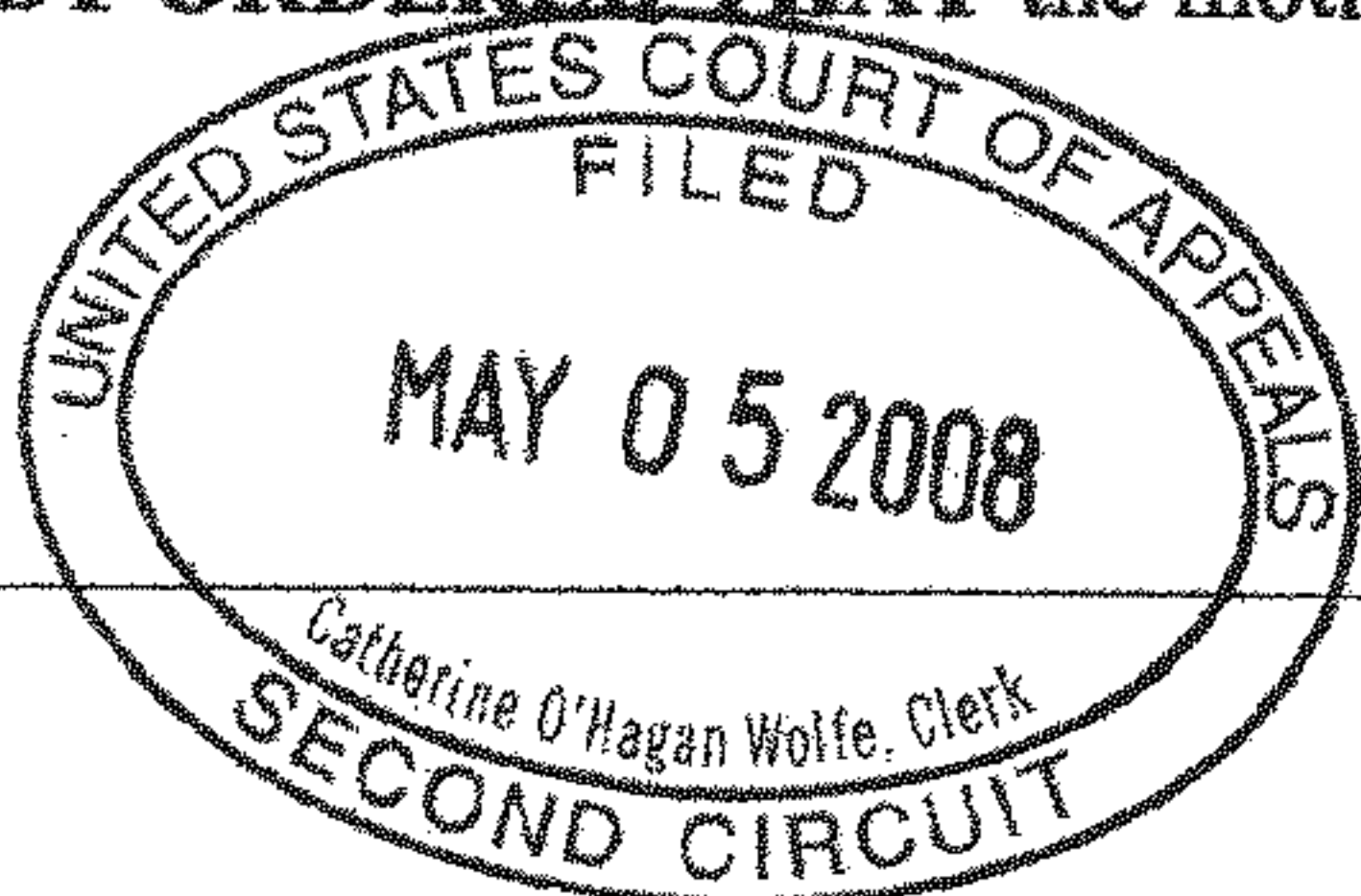
*Appellee - Cross Appellant's motion to
 withdraw the cross-appeal is
 granted with prejudice.*

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court Court

By: Joy Falek
 Joy Falek, Administrative Attorney

Date: _____



Form T-1080 (Revised 10/31/02).